



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RUSSELL COHEN,  
Plaintiff,  
vs.  
MELVIN BAHLIS, et al.,  
Defendants.

Case No. 3:05-CV-0438-ECR-RAM

ORDER

On December 15, 2005, U.S. Magistrate Judge Robert A. McQuaid, Jr., issued a Report and Recommendation (docket #17) in relation to defendants' motion to involuntarily dismiss this action under Fed. R. Civ. P. 41(b) (docket #10). Judge McQuaid determined that, even in light of plaintiff's *pro se* status, plaintiff's complaint falls well below the pleading standards imposed by the Federal Rules of Civil Procedure, in particular Fed. R. Civ. P. 8(a) and (e). Nonetheless, the magistrate judge concluded that plaintiff's failure to abide by Fed. R. Civ. P. 8 did not warrant Rule 41(b)

1 dismissal of this action. Instead, he recommended that plaintiff be  
2 allowed thirty days within which to file an amended complaint that  
3 complies with applicable pleading standards.

4 The plaintiff has filed an objection to the Report and  
5 Recommendation. Docket #19. The court has conducted a *de novo* review  
6 of the record in accordance with 28 U.S.C. § 636(b)(1) and Local Rule  
7 IB 3-2. The court concurs in the magistrate judge's findings and  
8 conclusions and further finds that the plaintiff presents no valid  
9 reason why the recommendation should not be adopted.

10 **IT IS THEREFORE ORDERED** that the U.S. Magistrate Judge's  
11 Report and Recommendation of December 15, 2005, (docket #17) is  
12 AFFIRMED and ADOPTED.

13 **IT IS FURTHER ORDERED** that defendants' motion to  
14 involuntarily dismiss this action under Fed. R. Civ. P. 41(b) (docket  
15 #10) is DENIED.

16 **IT IS FURTHER ORDERED** that plaintiff shall have thirty (30)  
17 days from the date this order is entered within which to file an  
18 amended pleading. Plaintiff is advised that his amended complaint  
19 shall be a simple, concise, and direct pleading that states clearly  
20 and succinctly how each and every defendant is alleged to have  
21 violated his federally-protected rights. Plaintiff is further advised  
22 that failure to file a complaint that complies with this Order and the  
23 Federal Rules of Civil Procedure will result in the dismissal of this  
24 action with prejudice.

25 **IT IS FURTHER ORDERED** that plaintiff's amended complaint  
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1 shall be submitted to the court for screening pursuant to 28 U.S.C.  
2 § 1915A, with the defendants being required to answer only after such  
3 screening has been completed.

4 DATED: *January 13, 2006.*

5  
6 *Edmond C. Reed.*

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8 UNITED STATES DISTRICT JUDGE  
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